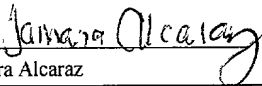


CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL654715660US

Date of Deposit: October 30, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Tamara Alcaraz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Edward M. ATKINSON et al.

Serial No.: To Be Assigned

Filing Date: Herewith

For: METHODS FOR GENERATING HIGH TITER
HELPER-FREE PREPARATIONS OF
RELEASED RECOMBINANT AAV
VECTORS

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

PRELIMINARY AMENDMENT

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Prior to the examination on the merits, Applicant respectfully requests entry of this Preliminary Amendment for the above-captioned patent application before fees are calculated.

AMENDMENTS

In the specification

Please replace the paragraph beginning at line 14, under "CROSS-REFERENCE TO RELATED APPLICATIONS", with the following rewritten paragraph:

This is a divisional of U.S. Ser. No. 09/526,333 filed on March 15, 2000 which is a continuation-in-part of U.S. Ser. No. 09/142,474, filed September 4, 1998, which was a U.S. National filing under Section 371 (via PCT application PCT/US98/18600, filed September 4, 1998), which claims the priority benefit of provisional U.S. Ser. Nos. 60/071,733, filed January 16, 1998, and 60/084,193, filed September 5, 1997. This application also claims the priority benefit of PCT patent application PCT/US99/20524 filed September 7, 1999, designating the U.S., which claims priority to provisional application U.S. Ser. No. 60/123,685, filed March 10, 1999 and U.S. Ser. No. 09/142,474, filed September 4, 1998. All of these applications are incorporated by reference in their entirety.

In the claims:

Please cancel claims 1-7, 35-49, 52, 93-117, 120-158, and 163-177 without prejudice or disclaimer.

REMARKS

The pending claims after entry of this amendment correspond to claims designated as Group III in a restriction requirement (mailed March 16, 2001) in U.S. Patent Application No. 09/526,333. Applicants have not dedicated or abandoned any unclaimed subject matter and reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional application(s).

Applicant requests that Victor P. Fung, Perry C. Wilkins, Ryan K. Takeya and Thomas C. Reynolds be deleted as inventors in the above-captioned application. Cancellation of claims has resulted in the invention of Victor P. Fung, Perry C. Wilkins, Ryan K. Takeya and Thomas C. Reynolds no longer being claimed. Accordingly, Edward M. Atkinson and Ian L. Aranha are the resulting named inventors.

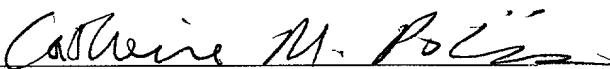
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**".

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 03-1952**.

Respectfully submitted,

Dated: October 30, 2001

By:


Catherine M. Polizzi
Registration No. 40,130

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5651
Facsimile: (650) 494-0792

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

The paragraph beginning at line 14, under “CROSS-REFERENCE TO RELATED APPLICATIONS” has been amended as follows:

This is a divisional of U.S. Ser. No. 09/526,333 filed on March 15, 2000 which is a continuation-in-part of U.S. Ser. No. 09/142,474, filed September 4, 1998, which was a U.S. National filing under Section 371 (via PCT application PCT/US98/18600, filed September 4, 1998), which claims the priority benefit of provisional U.S. Ser. Nos. 60/071,733, filed January 16, 1998, and 60/084,193, filed September 5, 1997. This application also claims the priority benefit of PCT patent application PCT/US99/20524 filed September 7, 1999, designating the U.S., which claims priority to provisional application U.S. Ser. No. 60/123,685, filed March 10, 1999 and U.S. Ser. No. 09/142,474, filed September 4, 1998. All of these applications are incorporated by reference in their entirety.

In the Claims:

Claims 1-7, 35-49, 52, 93-117, 120-158, and 163-177 have been cancelled.